

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF ROBERT S. FELTS, deceased, by)	
and through, its Personal Representative, et al.,)	No. C06-1419 RAJ
)
Plaintiffs,)	SECOND DECLARATION OF
	TIMOTHY J. LAYTON
v.)	
)
GENERAL ELECTRIC CAPITAL)	
ASSURANCE COMPANY, a Delaware)	
corporation, GENWORTH LIFE INSURANCE)	
COMPANY, a Delaware corporation,)	
WEBANNUITIES.COM, a foreign corporation,)	
HERSH STERN, an individual resident of New)	
Jersey, and JEFFREY REESE, an individual,)	
)
Defendants.)	

TIMOTHY J. LAYTON declares under penalty of perjury as follows:

1. ***Identity of Declarant.*** I previously provided a declaration and was deposed in this matter. At the time of those events, I was the Immediate Annuities Leader for Genworth Life Insurance Company (“Genworth”) in Richmond, Virginia. In that capacity, I had overall responsibility within Genworth for the management of the single premium immediate annuity (“SPIA”) product line. As part of my day-to-day responsibilities, I both supervised and performed analyses of and research into data concerning Genworth’s immediate annuity

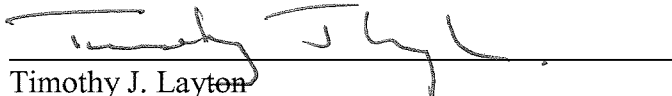
1 contracts. I have since moved to a different position within Genworth. I have personal
 2 knowledge of the matters set forth in this Declaration. If called as a witness, I would be
 3 competent to testify to those matters.

4 2. ***Additional Acknowledgement Forms.*** In my prior declaration in this action, I
 5 authenticated acknowledgement forms signed by Mr. Felts relating to three of the SPIAs at
 6 issue in this action. Attached hereto as Exhibit A are true and correct copies of the
 7 acknowledgement forms for the two additional SPIAs at issue in this action.

8 3. ***Felts' Contracts/Applications.*** Attached hereto as Exhibit B is annuity
 9 contract no. YGEC101888, which includes the application that Mr. Felts submitted to
 10 Genworth. Attached hereto as Exhibit C is annuity contract no. 3856746, which includes the
 11 application that Mr. Felts submitted to Genworth. Attached hereto as Exhibit D is annuity
 12 contract no. 3864923, which includes the application that Mr. Felts submitted to Genworth.
 13 Attached hereto as Exhibit E is annuity contract no. 3867121, which includes the application
 14 that Mr. Felts submitted to Genworth. Attached hereto as Exhibit F is annuity contract no.
 15 3869052, which includes the application that Mr. Felts submitted to Genworth. Exhibits B-F
 16 are true and correct copies of the contracts and applications for the five SPIAs at issue in this
 17 action.

18 I declare under penalty of perjury under the laws of the United States of America that
 19 the foregoing is true and correct.

20 Executed this 15th day of August, 2008, at Richmond, Virginia.

21
 22 
 23 Timothy J. Layton

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2008, I presented the foregoing *Second Declaration of Timothy J. Layton* to the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 15th day of August, 2008.

Davis Wright Tremaine LLP
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and Jeffrey Reese*

By /s/ Charles S. Wright

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